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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/007,836	11/05/2001	William C. Moyer	SC90674A CD1	8532

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EXAMINER

DONAGHUE, LARRY D

ART UNIT PAPER NUMBER

2154

DATE MAILED: 06/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/007,836

Applicant(s)

MOYER ET AL.

Examiner

Larry D. Donaghue

Art Unit

2154

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 February 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 38-49 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 38-49 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 03/24/2005.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

RD

Art Unit: 2154

1. Claims 38-49 are presented for examination.
2. The rejection is maintained.
3. The 112 2nd rejection is withdrawn.
4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 38-49 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Lee et al. (4,763,242).

Lee et al. taught the invention (claim 47, 38) as claimed including a processor to initiate, via a coprocessor bus (159, col. 2, lines 57-63), execution by a coprocessor of an instruction received by the processor for execution thereby (col. 2, line 29-col. 3, line 42), the method comprising: receiving said instruction (col. 3, lines 10-16); decoding said instruction; providing to said coprocessor, at least partially coincident with said decoding at least a predetermined portion of said instruction via a first portion of said coprocessor bus (159, col. 2, lines 57-63, and col. 4, lines 48-68) and a first control signal indicating that said instruction is being decoded by said processor via a second portion of said coprocessor bus (col. 8, lines 3-8); and receiving from said coprocessor, a second control signal indicating whether said predetermined portion of said instruction caused an exception within said coprocessor (col. 8, lines 57-62).

As to claim 39, Lee et al. taught the second control signal is received prior to said processor completing said instruction (col. 8, lines 57-62).

As to claim 40, Lee et al. taught discarding said instruction (col. 8, lines 21-40).

As to claim 41, Lee et al. taught negating the first control signal (col. 8, lines 3-8).

As to claim 42, Lee et al. taught providing a third control signal to said coprocessor bus to indicate when execution of said instruction is proceeding, wherein if the first control signal is negated, the third control signal is not asserted (col. 8, lines 3-15).

As to claim 43, Lee et al. taught providing a third control signal to said coprocessor bus to indicate when execution of said instruction is proceeding, wherein if the first control signal is asserted, the third control signal is asserted (col. 8, lines 44-50, lines 58-63).

Art Unit: 2154

Claims 44-46 and 48-49 fail to teach or define above or beyond claims 38-44, and are rejected for the reasons set forth supra.

6. Applicant's arguments filed 02/24/2005 have been fully considered but they are not persuasive.
7. Applicant argues in substance that Lee et al. fails to teach "at least partially coincident with said decoding".

RESPONSE

The instant specification set forth that the processor has a decoder and the co-processor has a decoder and that the a portion of the instruction is transferred between the processor and the co-processor during a portion of the decode stage at the end of the decode stage the co-processor executes the instruction, which is identical to the operation of the system as taught by Lee et al.

Applicant arguments consist of repeating the cited passage and asserting it is not taught. The terminology argue does not appear in the specification, applicant is required to provide the relevant portion of the specification to which the definition "at least partially coincident with said decoding", he is alleging is not taught.

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Larry D. Donaghue whose telephone number is 571-272-3962. The examiner can normally be reached on M-F 8:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee can be reached on 571-272-3964. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2154

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

LARRY D. DONAGHUE
PRIMARY EXAMINER

